

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	June 18, 2007
Docket Number:	0706-VS-016
Appellant:	Washington Township Parks and Recreation Department
Property Address:	21107 U.S. 31 North (MacGregor Park)
Special Exception Request:	<i>WC 16.06.070, B2e</i> Parking lot island plantings

EXHIBITS

- | | |
|--|------------|
| 1. Staff Report | 06/18/2007 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 06/18/2007 |
| 3. Property Cards | 06/07/2007 |
| 4. Appellant's Application and Plans | 05/21/2007 |

RELATED CASES

- | | |
|-------------|---|
| 0706-VS-017 | Buffer yard requirements – variance request |
| 0706-VS-018 | Road frontage plantings – variance request |
| 0706-VS-019 | Side yard setback – variance request |
| 0706-VS-020 | On-site plantings – variance request |

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the parking lot island planting requirement from one tree and four shrubs per island to 0 trees and 0 shrubs per island (*WC 16.06.070, B2e*).

PROPERTY INFORMATION

The subject property is currently approximately 43 acres in size (see Exhibit 3). The subject property is located on the east side of U.S. 31 and is approximately 60 feet north of S.R. 38. The subject property is zoned AG-SF1. The property is heavily wooded and is being used as a public park (identified as 'Vacant' on Exhibit 2 because of being largely a wooded area).

The subject property is surrounded on all sides by a combination of agricultural and single-family residential uses (see Exhibit 2). A single-family residence is also located in the middle of the park's area; a common drive is shared between the park and the residence. Property on all sides is also zoned AG-SF1. Portions of the subject property fall within the U.S. 31 Overlay District, however, the proposed impacted area of the subject property does not fall within the

U.S. 31 Overlay District. A utility easement for the high-tension power lines crosses the southern portion of the site from northeast to southwest.

PROPERTY HISTORY

There are no previous variances, special exception, development plan, subdivision plat, or rezoning cases on record for the subject property.

ANALYSIS

The submitted plans depict a new restroom/maintenance facility on the southeastern portion of the subject property; the facility would be located approximately 1,800 feet from U.S. 31. The submitted plans depict an eco-friendly design to the structure, drive and parking areas, and drainage system. The plans also depict an eight-foot (8') walking path. The path is generally located along the perimeter of the park's property and continues on private property, via an access easement, to create a complete loop.

The Westfield-Washington Township Zoning Ordinance does not adequately address the development of institutional uses, such as public parks – this is especially true when trying to apply the Town's landscaping standards to a park site. MacGregor Park is a nature-conservatory, and the intent of a nature-conservatory is to conserve, preserve, and maintain the natural habitat by making only minimal disturbances to the land for improvements. Applying linear, unnatural landscaping standards to a heavily wooded nature park is contrary to the intent of a nature-conservatory.

Due to the natural limitations of topography and wooded areas, and due to deed restrictions on the subject property, the proposed restroom/maintenance facility can only be located on the southeastern portion of the subject property. Because of these constraints, the 11-space parking lot for the facility falls within the utility easement. Trees are not allowed in this utility easement because they could grow into the power lines and cause a public safety issue. Additionally, plantings in general are not allowed in utility easements because the easement area needs to be fully accessible for both emergency and non-emergency access to and maintenance of the utility.

The proposed plans would be required to meet all remaining standards not varied by these requests and would require development plan approval from the Advisory Plan Commission.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of parking lot island plantings is to provide visual and environmental relief and interest into what would otherwise be a large area of impervious surface. By not installing a small amount of trees and shrubs in a parking lot island in an area already heavily wooded and dedicated to the preservation of nature, the public health and safety of the community would not be compromised.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

Findings: It is unlikely that the approval of the requested variance of standard would affect adjacent properties in a substantially adverse manner. Heavily wooded areas screen the proposed parking lot from neighboring properties. By not installing a small amount of trees and shrubs in a parking lot island, the use and value of neighboring properties would not be negatively impacted.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

Findings: Due to natural limitations and deed restrictions on the subject property, the proposed restroom/maintenance facility can only be located on the southeastern portion of the subject property. The 11-space parking lot for the facility falls within the utility easement. The presence of the utility easement prohibits the required plantings to be installed in the parking lot islands. Pre-existing natural features and legal restrictions beyond the control of the Appellant have generated the need for relief from the terms of the Zoning Ordinance.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following condition would be appropriate:

1. That all conditions associated with variance requests 0706-VS-017, 0706-VS-018, 0706-VS-019 and 0706-VS-020 are binding on the subject property.



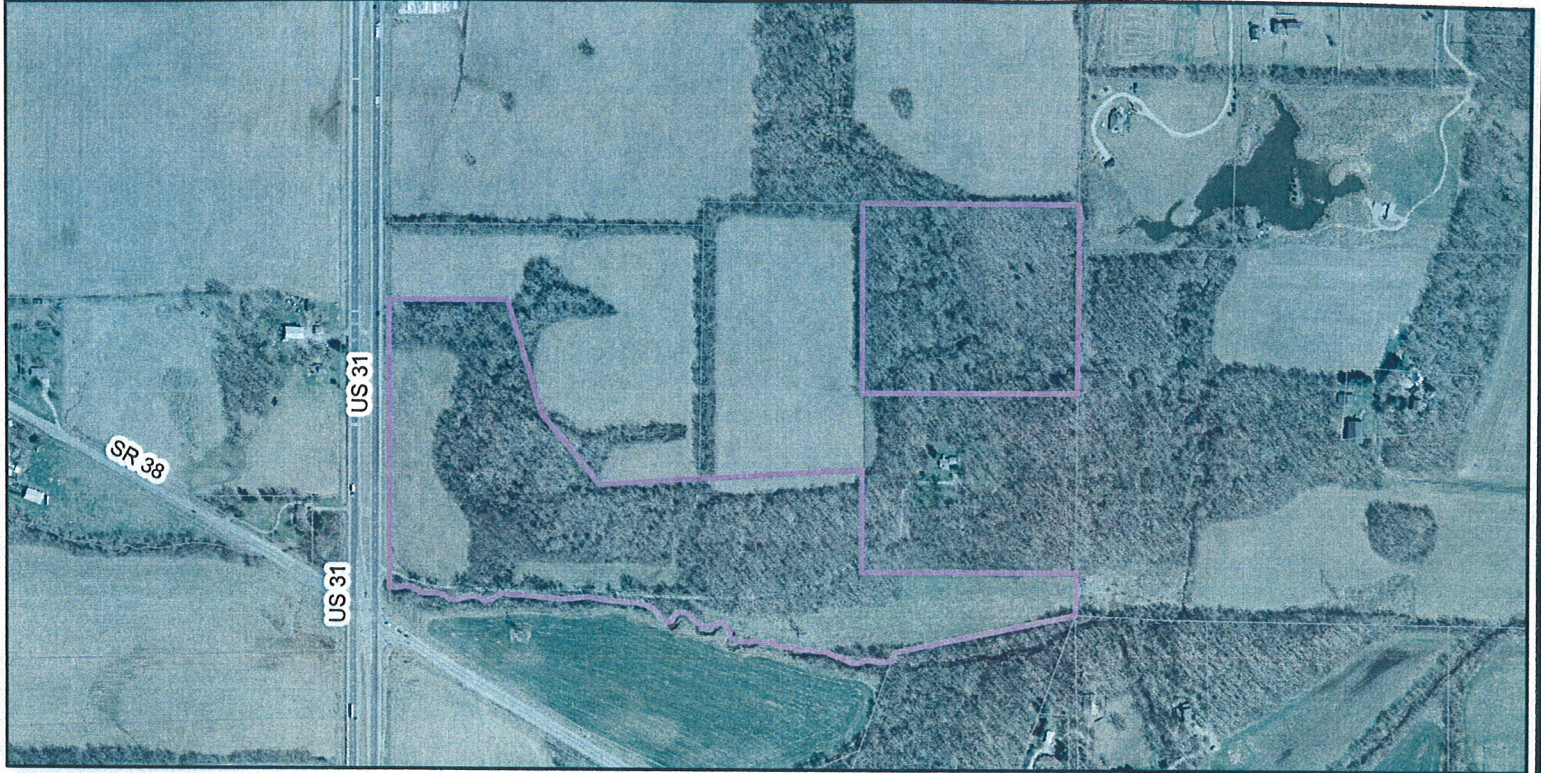
0706-VS-01, 0706-VS-017, 0706-VS-018,
0706-VS-019, 0706-VS-020
08-06-18-00-00-003-000
21107 US 31
Exhibit 2



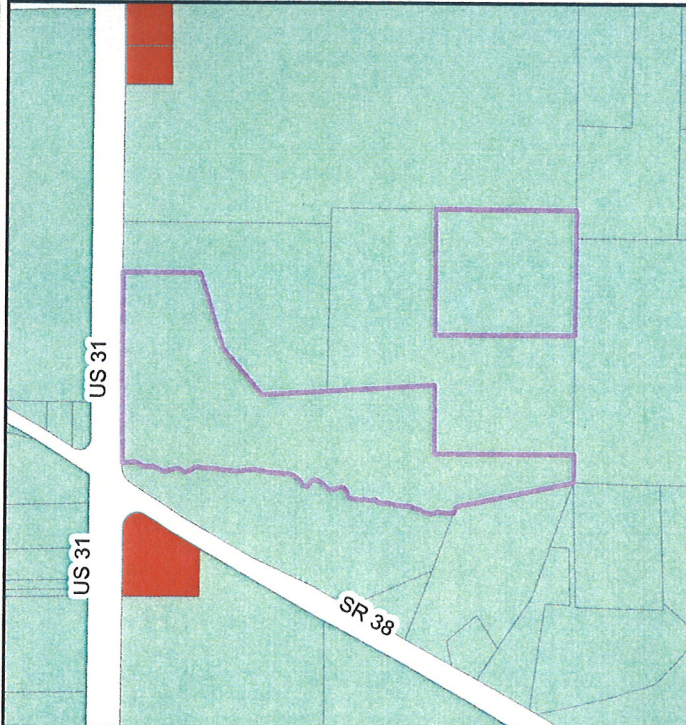
Community Development Department

Aerial Location Map

Site

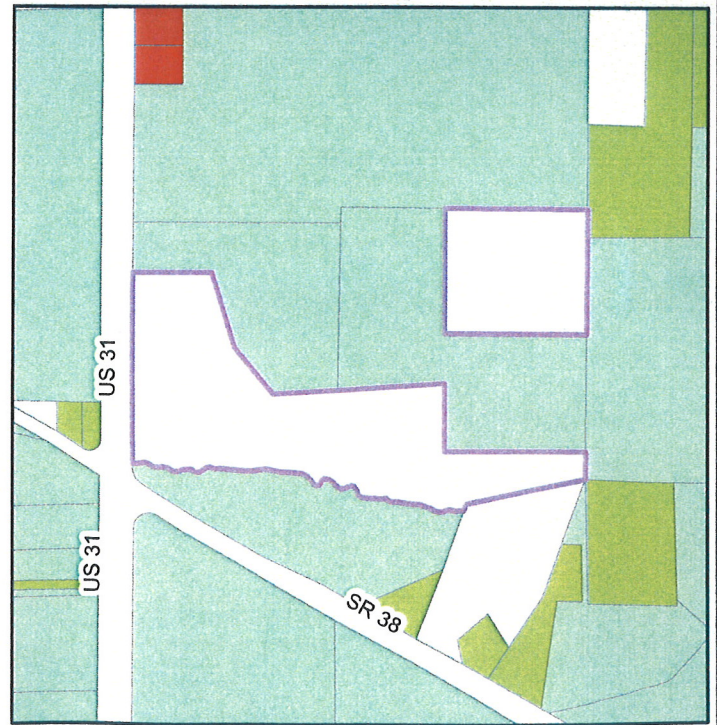


Zoning Map



Agriculture Single Family 1
General Business

Existing Land Use Map



Agriculture
Residential Non-urban
Vacant

EXHIBIT 3**co.HAMILTON.in.us**

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Summary Information - Parcel Number: 08-06-18-00-00-003.002**Property Data**

Parcel Location	Us 31, Westfield
Taxing Unit	Washington
Legal Description	10/18/01 split fr 003.000, 031.000 & combined w/025.000 2001-
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	31.05
Effective Frontage	
Effective Depth	
Property Class	Exempt Township

Exterior Features and Out Buildings**Property Owner as of April 29, 2006**

Washington Township of Hamilton County

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	17300
Assessed Value: Improvements	0
Total Assessed Value:	17300

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2005**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-06-18-00-00-003.001**Property Data**

Parcel Location	Us 31, Westfield
Taxing Unit	Washington
Legal Description	10/18/01 split fr 003.000 fr 2001-66698 10/31/01 drawing of
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	11.56
Effective Frontage	
Effective Depth	
Property Class	Exempt Township

Exterior Features and Out Buildings**Property Owner as of April 29, 2006**

Washington Township of Hamilton County

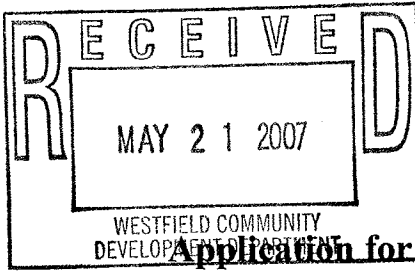
Most Recent Valuation as of March 1, 2005

Assessed Value: Land	1700
Assessed Value: Improvements	0
Total Assessed Value:	1700

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TOWN OF WESTFIELD, INDIANA

Petition Number: 0706-VS-016
Date of Filing: 5/21/07

Application for VARIANCE OF DEVELOPMENT STANDARD Westfield – Washington Township Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Washington Twp. Parks & Rec
Address 1549 E. Greyhound Pass Carmel 46032

Telephone Number 574-1074
E-Mail Address msweet@washingtontownship-hc.us
2. Landowner's Name same
Address _____

Telephone Number _____
3. *Representative Melody Sweet
*Address 1549 E Greyhound Pass
Carmel 46032
*Telephone Number 574-1074 x 4
*Email Address msweet@washingtontownship-hc.us

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.
4. Common description of property (address, location, etc.)
MacGregor Park
21107 US 31 North
Westfield, 46074
5. Legal description of property (list below or attach)
See attached two page boundary survey
6. Complete description of the nature of the development standard variance applied for:
WC 16-06-070 A 2 e parking lot island
planting

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

will not

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

will not

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

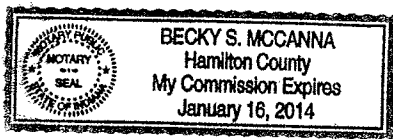
The conservation easement attached to this property prohibits us to remove trees for building purposes. So the only location for our parking lot is within this open area. The land & Water conservation grant awarded to develop this park requires solar power to be used. This open area lies within an IPh power line easement which prohibits trees within it's right of way. So we can not plant a parking lot island.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Washington Twp. Parks & Rec
Melody Sweet, Director
Applicant

SUBSCRIBED AND SWORN TO ME THIS 21ST DAY OF may, 2007



Becky S. McCanna
Notary Public

My commission expires: Jan. 16, 2014